



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



493364

SEP 26 2001

REPLY TO THE ATTENTION OF:

Ms. Lois Kimbol
Dechert Price & Rhoads
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, PA 19103-2793

Re: Eagle Zinc Company Site
Hillsboro, Illinois

Dear Ms. Kimbol:

Thank you for your letter dated September 14, 2001, responding on behalf of T.L. Diamond & Company, Inc., The Sherwin-Williams Company, and Eagle-Picher Industries, Inc. to the Special Notice letter issued on July 12, 2001, by the United States Environmental Protection Agency (U.S. EPA) for the Eagle Zinc Company Superfund Site (the Site).

Your September 14, 2001, letter describes the good faith proposal put forward by the three companies that received the Special Notice Letter. U.S. EPA interprets your letter as providing a statement of willingness to conduct a Remedial Investigation/Feasibility Study (RI/FS) at the Site consistent with U.S. EPA's proposed Administrative Order on Consent (AOC) and Statement of Work, contingent on further clarification of the technical approach to the RI/FS at a meeting scheduled for September 19, 2001. The September 19, 2001, meeting has now been held, and U.S. EPA understands that a technical consensus on the RI/FS approach exists and that the Special Notice Letter recipients are willing to conduct an RI/FS for the Site.

Your letter also generally satisfies the other requirements for a good faith proposal described in the Special Notice letter. While your letter did not include a proposed re-draft of the AOC, it did identify the portions of the AOC where the Special Notice recipients seek revisions and provide rationales for those suggested revisions. U.S. EPA understands that complex allocation issues have delayed a more comprehensive legal response. In light of the parties' commitment to resolve those allocation issues within 10 days of the September 19, 2001, technical meeting and to meet promptly with U.S. EPA for AOC negotiations, U.S. EPA extends the moratorium on the commencement of the response action at the Site for an additional 30 days, to October 15, 2001.

If you have any questions concerning this matter, or if you believe the understandings described above are incorrect, please contact Dion Novak, Remedial Project Manager, at (312) 886-4737 or Thomas Krueger, Associate Regional Counsel, at (312) 886-0562.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Wendy L. Carney". The signature is fluid and extends to the right with a long, sweeping stroke.

Wendy L. Carney, Chief
Remedial Response Branch #1